



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY :
AND MUNICIPAL EMPLOYEES, COUNCIL 93, :
AFL-CIO :

Petitioner :

v. :

TOWN OF PELHAM, NEW HAMPSHIRE :

Respondent :

CASE NO. A-0520

DECISION NO. 86-24

APPEARANCES

Representing the Petitioner, AFSCME, Council 93:

James C. Anderson, Staff Representative
Laurette E. Harrison, Police Dept. Secretary
Doris Heneault, Animal Control Officer
Linda Lavalley, Deputy Town Clerk & Deputy Tax Collector
Doreen M. Strawbridge, Clerk-Typist, Selectmen's Office

Representing the Respondent, Town of Pelham:

Robert P. Leslie, Esq., Counsel
L. Irja Sheppard, Administrative Assistant
William G. Collis, Chief of Police

BACKGROUND

Petition for certification of a unit composed of all full-time and part-time employees of the Public Works, Fire, Police, Incinerator departments, the Town Hall and Library in the town of Pelham, with the exclusion of the Tax Collector, Director of Public Works, Police Chief, Fire Chief and Head of the Library was filed by Council 93, AFSCME in September, 1985. Also excluded from the proposed unit were units previously certified; such as police officers.

The Town through its Counsel took exception to the petition on the basis that the categories of employees included in the unit lack a community of interest within the meaning of RSA 273-A:8 and the Board's Rules and Regulations and that the Secretary to the Chief of Police is a confidential employee within the meaning of the law.

Unit determination hearing was scheduled for November 21, 1985 but upon motion from Council 93 for specific objections to the unit, PELRB recessed the hearing to a later date to allow the Town to file specifics as to which positions lacked a community of interest, which held confidential status and which were considered supervisory. Deadline for the submission was set for December 3, 1985.

Meeting was to reconvene on January 9, 1986 but due to a problem with attendance of witnesses, meeting was rescheduled and held January 14, 1986.

FINDINGS OF FACT

A petition for certification filed by Council 93, AFSCME contained the required number of individual signature cards, evidence of the employees desire to be represented for the purpose of collective bargaining.

COMMUNITY OF INTEREST:

All employees of the proposed unit are public employees within the meaning of RSA 273-A and share a community of interest, except the employees of the Library who come under the jurisdiction of the Librarian who has the sole power to hire and fire (RSA 202-A:17). Although personnel rules and regulations for library employees are similar to those of other town employees PELRB finds that as a separate entity, the Library employees MUST be excluded from the unit.

All other employees of the Town share a community of interest in that they all work for the same employer, enjoy the same or similar benefits and all work under the same personnel rules and regulations.

CONFIDENTIALITY:

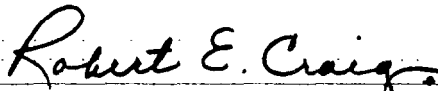
PELRB finds that the Secretary to the Chief of Police does not of necessity have access to labor relations materials and therefore will be included in the unit. The Secretary to the Administrative Assistant, however, would be involved in all aspects of labor relations, not only with this unit but also with other certified units within the Town and, MUST be excluded from the unit.

DECISION AND ORDER

Having met the requirements under RSA 273-A:10, the criteria under 273-A:8 and PELRB Rules and Regulations, it is hereby ORDERED, that

1. A unit is hereby created composed of all full-time and permanent part-time employees of the Town Office, Public Works, Fire, Incinerator and Police departments; specifically, laborers, custodians, incinerator workers, clericals/secretarial, bookkeeper, animal control officers, and deputy town clerk/tax collector.

2. Excluded from the unit are employees of the town Library, as a separate entity, and the Secretary to the Administrative Assistant as a confidential employee.
3. Order of Election is issued and an election will be held by PELRB as expeditiously as possible and no later than April 18, 1986 to determine if the employees wish to be represented by Council 93, AFSCME, for the purpose of collective bargaining.



ROBERT E. CRAIG, Chairman

Signed this 18th day of March, 1986.

By unanimous vote. Chairman Robert E. Craig presiding; members Seymour Osman and Russell Verney present and voting. Also present, Executive Director Evelyn C. LeBrun